

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

JOHN DOE,)
Plaintiff,)
v.)
LLOYD AUSTIN, in his official capacity as)
Secretary of Defense; CHRISTINE WORMUTH,)
in her official capacity as the Secretary of the)
Army; DANIEL R. HOKANSON, in his official)
capacity as Chief of the National Guard Bureau;)
JON A. JENSON, in his official capacity as)
Director of the Army National Guard; GARY M.)
BRITO, in his official capacity as Deputy Chief of)
Staff, G-1 of the United States Army; GREGORY)
NIGHT, in his official capacity as Adjutant General)
of the Vermont National Guard; the UNITED)
STATES NATIONAL GUARD BUREAU; the)
UNITED STATES ARMY NATIONAL GUARD;)
the UNITED STATES DEPARTMENT OF)
DEFENSE; and the VERMONT NATIONAL)
GUARD,)
Defendants.)
)

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTIVE RELIEF

Plaintiff, John Doe, by and through counsel, moves pursuant to Rule 65 of the Federal Rules of Civil Procedure and respectfully requests that the Court enter a preliminary injunction prohibiting Defendants from continuing to deprive him of the right to participate in Reserve Officers' Training Corps ("ROTC") and in the Vermont Army National Guard ("Vermont ARNG") in violation of the Equal Protection Act of the Fifth and Fourteenth Amendments and the Administrative Procedure Act.

In further support of this motion, Plaintiff submits the accompanying Memorandum of Law and the exhibits attached thereto, including **Exhibit 1** (U.S. Army - ROTC FAQ), **Exhibit 2** (Declaration of John Doe with Exhibits A-D), **Exhibit 3** (Declaration of Attorney Sophia Hall with Exhibit A-B), **Exhibit 4** (Declaration of Doctor Ann Neilan with Exhibits A-B), **Exhibit 5** (Declaration of Doctor Kenneth Mayer with Exhibit A), **Exhibit 6** (Declaration of Doctor Gregg S. Gonsalves with Exhibit A), **Exhibit 7** (Declaration of Doctor Trevor Hoppe with Exhibit A), and **Exhibit 8** (Declaration of Attorney Christopher Queenin with Exhibits A-G).

Pursuant to L.R. 7(a)(7), Plaintiff consulted with counsel for Defendants in a good faith attempt to obtain Defendants' agreement to the requested relief, but the parties were unable to reach agreement on the requested relief.

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Enter a preliminary injunction ordering Defendants to allow Plaintiff's full participation in the Vermont ARNG and ROTC program pending resolution on the merits;
- B. Hold a hearing on this Motion to allow the parties to provide more context regarding the issues and the balance of harm at stake in this matter; and
- C. Grant any other relief as is just and fair.

Dated: 6/29/2022

Respectfully submitted,

JOHN DOE,

By his attorneys,

/s/ Kierstan E. Schultz

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CERTIFICATE OF SERVICE

I hereby certify that the forgoing document was served on all parties and counsel of record.

/s/ Kierstan E. Schultz
Kierstan E. Schultz